

Application Serial No. 10/658,489
Examiner: Son T. Nguyen
Art Unit: 3643

PATENT
M&G No. 09188.0227US01

Remarks

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 8-10, 12 and 14 have been amended, and are supported, for instance, in Figures 1, 7 and 8 and descriptions thereof. No new matter has been added. Claims 8-10 and 12-14 are pending.

Claims 8-10, 12, 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (U.S. Patent No. 3,735,738) in view of Newman (U.S. Patent No. 5,435,270) and Kikuta (U.S. Patent No. 5,427,060). Applicant respectfully traverses this rejection, and respectfully requests reconsideration in view of the following comments.

The present invention of claims 8-10 provides an improved wall mountable aquarium. Claims 8-10 recite being concealed by a background setting of the accessory, the background setting being a sheet extending along a width of the rear wall and in front of the pipe, the pipe extending from the pump to reach above the trough. (Figures 1, 7 and 8, and Page 7, lines 4-6.) A tank is provided in a configuration including a background setting 2 that can completely conceal a pipe and conduit that may be located at rear corners of the aquarium. (Page 10, lines 13-14.) In this manner, the aquarium of the present invention allows for a realistic wide-screen picturesque background that improves upon known aquariums having enhanced displays on a back wall. The aquarium of claims 8-10 allow for the operational parts of an aquarium to be concealed. Further, the other member of the accessory can conveniently be removed for cleaning or replacement. (Page 11, lines 3-5, Page 10, lines 23-25, and Figures 1 and 7.)

Lake, however, does not teach or suggest the features of claims 8-10. As noted in the Office Action, Lake does not disclose the disposition and operation of the filter trough, grate and pump structures. More particularly, Lake does not disclose being concealed by a background setting of the accessory, the background setting being a sheet extending along a width of the rear wall and in front of the pipe, as required by claims 8-10. Lake does discuss a frame member 4 concealing heating and light structures that are disposed on an outside of a sidewall 88. The sidewall 88 separates the heating and lighting structures from the transparent face 24 so as to hide the structures behind the frame 4. Lake provides no pipe structure for a pump and grate, which is concealed by a background setting. Thus, Lake does not disclose the features recited by claims 8-10. For at least these reasons, Lake does not teach or suggest claims 8-10.

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Kikuta and Newman do not provide what is missing from Lake. Particularly, the cited references do not teach or suggest a pipe being concealed by a background setting of the accessory, the background setting being a sheet extending along a width of the rear wall and in front of the pipe as required by claims 8-10. (Figures 1, 7 and 8 and Page 7, lines 4-6.) Kikuta is directed to a screen 1 for an aquarium that conceals a pump mechanism water conducting section 4. (Col. 2, lines 41-47 and Figures 1 and 5) Kikuta, however, does not disclose the background setting of claims 8-10. Kikuta provides its screen 2 that is self supported inside the tank by its angled wall structure and side panels, however, the screen 2 does not extend the width of the rear wall. Kikuta only conceals a conducting section for a pump and may conceal a heater while providing holders for concealing such structures. Thus, Kikuta does not teach or suggest a background setting structure of claims 8-10.

Newman does not disclose the background setting of claims 8-10. Newman discusses an aerator 22 at the depth of the tank 3. (Col. 2, lines 35-38 and Figure 1.) Newman also discusses inserting a display behind the tank 3 and within the frame to furnish useful commercial advertisements. (Col. 4, lines 42-46.) Newman, however, does not disclose its pump tube 21, 25 as being concealed and does not disclose a display inside the tank to conceal the pump. In fact, Newman's pump tube is exposed and viewable through the front wall 11. (Figure 1.) Thus, Newman does not teach or suggest the background setting structure of claims 8-10.

Accordingly, Kikuta and Newman fail to remedy the deficiencies of Lake. For at least these reasons, Applicant respectfully submits that the cited references either alone or in combination, do not teach or suggest the features of claims 8-10 and would not arrive at any advantages enjoyed by the features of said claims. Applicant submits that claims 8-10 and dependent claims therefrom are patentable over the references cited.

Favorable reconsideration and withdrawal of the rejection is respectfully requested.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lake (cited above) in view of Newman (cited above). Applicant respectfully traverses this rejection, and respectfully requests reconsideration in view of the following comments.

Lake and Newman have been discussed above. Claim 14 recites a background setting fixed inside the tank that is close to and covering the rear wall. The background setting being a sheet that extends close to and covering the left and right side walls, turning smoothly round the corners between the walls. The present invention of claim 14 provides an improved wall

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mountable aquarium. A tank is provided in a configuration including a background sheet that can completely conceal a pipe and conduit that may be located at rear corners of the aquarium. (Page 10, lines 13-14.) In this manner, the aquarium allows for a realistic wide-screen picturesque background that improves upon known enhanced displays on aquarium back walls, whereby aquarium operational parts are concealed. Further, the background sheet can conveniently be removed for cleaning or replacement. (Page 11, lines 3-5, Page 10, lines 23-25, and Figures 1 and 7.)

Lake, however, does not disclose the features of a background setting covering a rear wall. Newman does not provide what is missing from Lake, and does not provide a background setting structure as required by claim 14. In fact, Newman provides an exposed pump tube and only discloses a display that is behind the tank. Thus, Newman fails to remedy the deficiencies of Lake. Accordingly, Applicants submit that for at least these reasons, Lake and Newman either alone or in combination do not teach or suggest the features of claim 14 and would not enjoy the advantages provided by claim 14. Applicant respectfully submits that claim 14 is patentable over Lake and Newman.

Favorable consideration and withdrawal of the rejection are respectfully requested.

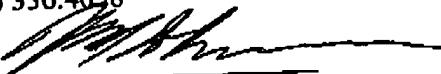
With the above amendments and remarks, Applicants believe that the claims now pending are in a condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725.
 Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers, if appropriate.

Respectfully Submitted,

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By


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